

SEA OTTER SHELLFISH EXPLORATORY MEETING

SUMMARY NOTES AND POINTS OF AGREEMENT

October 18, 1999 (rev. 3/4/00)

A small group composed of members of the fishing industry and conservation community met to explore areas of common interest and identify actions that may assist efforts to recover southern sea otters while at the same time working to ensure the sustainability of commercial shellfish fisheries. In attendance were Kate Colborn, Vern Goehring, Pete Halmay, Burr Heneman, Harry Liquornik, Steve Rebuck, Bruce Steele, Carol Fulton Yeates, Jeff Young, and Nina Young. It was recognized by all that this was a first attempt to explore common ground on very complex and historically very controversial issues. In the interest of going slowly and focusing on areas of agreement it is likely that not all areas of potential agreement were discussed. Many participants agreed that continued discussions could be fruitful.

The areas of agreement are summarized in the following draft action plan.

Objective: *Maintain well-managed and abundant fisheries, healthy marine ecosystems, and recover the southern sea otter population.*

Action Plan:

1. Pollution Prevention

There are more than 1 billion gallons of sewage that enter the marine ecosystem off of Santa Barbara and Los Angeles, and that same ecosystem is subjected to oil exploration and development, and pesticide inputs. Along the central California coast, sewage outfall, agricultural runoff, and other non-point source pollution contribute contaminants to the marine ecosystem. These pollutants threaten the health of both the fisheries and the southern sea otter. Therefore we recommend that the fishing industry and conservation organizations interested in sea otter recovery:

- Work collaboratively with other organizations to institute water quality testing programs, more effective sewage treatment, and virus standards for effluent;
- Encourage state, federal, and local agencies to undertake an assessment of outfalls and other sources of pollution within the range of southern sea otters and initiate appropriate controls; and
- When problems are identified, work collaboratively to increase public awareness and to reduce the source of the problem.

2. Southern Sea Otter and Ecosystem Health Assessment and Maintenance

Researchers have identified infectious disease as a cause of death for more than forty percent of southern sea otters that have been examined. In addition, commercial

and recreational shellfish fishermen are concerned about the chronic occurrence of black abalone disease in several species of abalone. Regime shifts and die-offs of shellfish and marine mammal species all call into question the health of the California coastal ecosystem and the southern sea otters and shellfish fisheries that depend on that ecosystem. Therefore, we recommend that:

- State and private researchers aggressively investigate the causes and possible treatment for black abalone disease (withering disease);
- State and federal fisheries managers undertake a stock assessment for important prey items for southern sea otters;
- State, federal, and private researchers, in coordination with the southern sea otter recovery team, evaluate the overall health of the ecosystem by utilizing information from sea otter necropsy's, the mussel watch program, and other databases that provide information on pollution status and trends;
- State and private organizations test streams, creeks, rivers and sewage outfalls within the southern sea otter range for pathogens that are potentially dangerous to sea otters (e.g. feline encephalitis);
- State, federal, and private researchers working through a southern sea otter implementation team, devise a comprehensive health assessment and maintenance program for southern sea otters in the wild, including investigations conducted on the population in the wild to determine the current health status of southern sea otters; and
- The fishing industry and conservation organizations support and seek funding for a DFG marine ecosystem health monitoring program.

3. Habitat Enhancement

In order for healthy shellfish fisheries and southern sea otters to co-exist, sufficient shellfish resources must be available and fisheries must be conducted in such a way that they do not endanger sea otters. By providing shellfish refugia that sea otters cannot access, but fishermen can, shellfish can then be better managed to provide habitat to prevent stock collapse due to reproductive failure, to increase larval replenishment, and to ensure fishing opportunities. By devising trap designs that will not entrap otters, fish and shellfish can be caught without jeopardizing sea otters. Therefore, in order to improve available food sources for otters and shellfish resources for commercial and recreational harvest, we recommend that fishermen and state and federal fishery managers:

- Provide, through a series of pilot programs, deep-crevice habitat enhancement or refugia by introducing physical structure such as pipes, debris, cement jacks, and rock rubble piles;
- Devise mechanisms to prevent southern sea otter interactions and mortality in pot fisheries through gear modifications; and
- Assess kelp harvesting and adopt standards and criteria to mitigate negative impacts to sea otters and shellfish resources.

DRAFT

Sea Otter - Shellfish "Common Ground" Initiative Meeting No. 2

SUMMARY NOTES AND ACTION ITEMS

March 4, 2000 - Santa Barbara, California

A small group composed of members of the fishing industry and conservation community met for the second time to further explore areas of common interest and identify actions that may assist efforts to recover southern sea otters while at the same time working to ensure the sustainability of commercial shellfish fisheries. In attendance were Vern Goehring, Pete Halmay, Harry Liquornik,, Bruce Steele, Carol Fulton Yeates, Jeff Young, and Nina Young. Guests included John Richards, Phyllis Griffman,, Mike McGinnis, Charles Igawa and Alana Knaster.

While the group focused its discussions on the items enumerated below, participants also discussed the desirability of investigating whether there was common interest in attempting to address issues associated with Public Law 99-625 regarding the sea otter translocation to San Nicolas Island and its associated zonal management component. Participants agreed that the issue was worth exploring, and further agreed to speak with the members of their respective and associated organizations to see if this might also be an area where "common ground" could be found.

The following items were identified as priority issues for the groups attention. For some of the issues limited joint actions were agreed to at the meeting:

1) Support State Funding for Ecosystem Health Monitoring: A great deal of work needs to be done to determine the causes of the current elevated level of sea otter mortality before it can be known whether recovery efforts could succeed. The groups should jointly support additional funding to the Department of Fish and Game to undertake, cooperatively with federal agencies, a marine ecosystem health monitoring program. Such a program could involve a comprehensive effort to collect and coordinate ecological, biomedical, oceanic and atmospheric information to identify trends and events impacting otter and shellfish populations, including point source and non-point source pollution; diseases and toxic contaminants affecting otters and shellfish, areas and causes of habitat degradation, and introduced exotic species with potential to negatively impact the marine ecosystem.

Action: Identify current funding options and jointly support through letters and direct contacts Legislative and Administration approval of funding.

2) Fishing Gear Modifications: It is important for the commercial fishing industry to participate in efforts to avoid sea otter entrapment in fishing gear through the establishment of gear advisory groups. The immediate desire is to address the potential impacts from the live fish trap fishery, since these traps are currently in use within the otter range and then move to addressing potential modifications to crab and lobster traps.

Action: Request the Department to convene a meeting of live fish trap fishermen in the Morro Bay area as soon as possible with the intention of developing trap modifications to prevent entrapment of sea otters. The goal is to include trap design modifications in the interim near-shore fisheries management regulations now being prepared for submission to the Fish & Game Commission. A letter conveying this request has already been sent to DFG by Pete Halmay in his capacity as a Sustainable Fishery Coordinator with the Institute for Fisheries Resources.

3) Sea Otter Health Assessment: We need a “snapshot in time” of the health of the live population of California sea otters. To that end, we propose a multi-agency effort (CDFG, FWS, USGS MBA)) to capture a significant number of otters to draw blood and take swabs for chemical analysis. Capture and handling would be conducted by experienced agency, university, veterinary and aquarium personnel, with additional support boats provided by the commercial fishing industry. (A similar effort on behalf of the Hawaiian Monk Seal was very successful and provided valuable information on the health status of the population.)

Action: A letter and action plan will be prepared for a joint appeal to Congress for funding.

4) Jump Start the Sea Otter Recovery Plan: A key element of the 1986 MOU was adoption and implementation of a sea otter recovery plan. With the USFWS nearing adoption of an updated Southern Sea Otter Recovery Plan, we should jointly seek to secure funding from Congress for its implementation.

Possible Action: Initiate a joint appeal for funding to possibly include a “Visit the Hill Day” when representatives of the commercial fishing industry and sea otter conservationists conduct joint visits to key congressional decision makers in Washington, D.C. in support of recovery plan funding.

5) Enhance Shellfish Recruitment and Harvest within and beyond the Sea Otter Range: Technology may be able to enhance protected habitat for commercial shellfish harvesting if adequate research and development funds were available. We should work to engage scientists, engineers, and funders in developing pilot projects for creation of artificial shellfish refugia, utilizing abandoned oil pipelines and other appropriate structures.

Action: Jointly work to enlarge the scope of support for and technical expertise involved in exploring the feasibility for enhancing shellfish habitat. This could include convening a workshop of key participants to develop a pilot project, identify and seek funding, and establish an organization to implement the project.

6) Map Fisheries and Key Facilities Within the Current and Potential Otter Range: To more effectively work cooperatively in developing adaptive strategies which allow for co-existence of both fisheries and sea otters issues, it would be helpful to have the ability to easily identify and involve fishery participants who may affect or be affected by current or future overlap with the sea otter range. It would also be helpful to identify other activities or facilities

that may impact both management options and the habitat important to shellfish and sea otters.

Action: Identify mapping resources currently available and develop, as appropriate, overlay maps showing the location of sport and commercial fisheries, sewage out-falls, creek and estuary out-falls, mariculture sites, kelp-cutting areas, etc.

7) Otter Range Expansion: It is important in identifying future management options to understand the dynamics of sea otter range expansion to correlate to the degree possible general ecosystem health, specific pollution or disease conditions, availability of food sources, etc. to otter movements.

8) Adaptive Management Strategies: Similarly to Item 7 above, to ensure a full range of future management options, work should proceed in accordance with the 1986 MOU on research to develop the most effective non-lethal methods for capturing and containing sea otters. It is generally recognized that as long as the sea otter population is declining that such research would not involve the Southern (California) sea otter population.

9) Identify Mitigation Measures for Fisheries Which Could Be Affected by Sea Otter Range Expansion: Although no one can predict when, if, or to what degree sea otters may continue to expand their range, it would be helpful to identify possible measures now which could reduce potential adverse impacts on certain fisheries and mariculture projects. Such mitigation measures could also help reduce fishery impacts due to area or species closures, disease or pollution. Potential mitigation strategies should be solicited from the fishing and mariculture industries, as well as from existing state, federal and academic institutions and could include "at sea" partnerships for fishery and habitat management. This effort should also include documentation of the social and economic consequences alternative shellfish/otter scenarios.

CONCLUSION

At the conclusion of the discussion all participants agreed that continued support and involvement of Sea Grant personnel from the University of California's marine advisory program and the urban ocean program at the University of Southern California, could make very helpful contributions to the "Common Ground" initiative. We will seek support for continuing involvement of Sea Grant personnel in our discussions and support increasing funding to Sea Grant through the State budget process.

The participants also felt that the meeting was very productive, and planned to meet again in early April to continue identifying cooperative actions in furtherance of our common goal. Consideration will be given to gradually including representatives of groups and agencies with interests in sea otters and fisheries. Consideration will also be given to engaging the services of a facilitator/moderator at sometime in the future. (All participants appreciated the presentation by Alana Knaster which was made possible through the support of the UC and USC Sea Grant programs.)

Is There Common Ground South of Point Conception?

Before the March 4, 2000, Sea Otter - Shellfish "Common Ground" Initiative meeting in Santa Barbara concluded, participants discussed the desirability of investigating whether there was any common ground between the environmental community and the shellfish industry on issues associated with implementation of Public Law 99-625, regarding the sea otter translocation to San Nicolas Island and its associated zonal management component.

Participants agreed that the issue was worth exploring, and further agreed to speak with their respective and associated organizations to see if this might also be an area where "common ground" could be found.

It was agreed that participants would confer with their respective groups to see if there was any agreement on or interest in exploring further these points. It was understood that the groups may also consult with legal advisors to determine if the proposal outlined below was feasible or desirable to accomplish their respective goals. The group's intent was to see if there was a way to buy perhaps a year of time for further discussion and identification of solutions.

Possible Points of Agreement:

- 1) No change to the law.
- 2) No moving sea otters.
- 3) Freeze failure determination process.

If all groups agreed, the next step would be to investigate the possibility of undertaking more formal discussions that might lead to either the equivalent of negotiated rule-making or consensus changes to the law.